

**FILED**

APR 20 2017

Clerk, U.S. District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

KYLE GEE,

Plaintiff,

vs.

LIBERTY MUTUAL FIRE  
INSURANCE COMPANY,

Defendants.

CV 17-5-BLG-SPW

ORDER ADOPTING  
FINDINGS AND  
RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on April 10, 2017. (Doc. 29). In his Findings and Recommendations, Judge Cavan recommended that this Court deny Gee's Motion for Remand.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

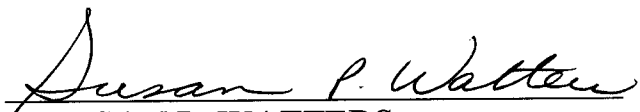
conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

Accordingly, IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 29) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff Kyle Gee’s Motion to Remand (Doc. 9) is DENIED.

DATED this 26<sup>th</sup> day of April, 2017.

  
SUSAN P. WATTERS  
United States District Judge